

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SIERRA VISTA

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF SIERRA VISTA, hereinafter called "CITY".

WHEREAS, the State is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE:

WHEREAS, the City is empowered by A.R.S. Section 9-672 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY.

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall include but not be limited to the installation of new traffic signals at the following locations:

SR 90 at Charleston - Project #F-013-1(905)
SR 90 at 7th Street - Project #F-013-1(906)
SR 90 at Coronado - Project #F-013-1(907)

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 90 at Charleston, at 7th Street, and at Coronado.

2. The CITY, upon completion of the work shall reimburse the STATE for 25% of the final construction and engineering costs at Coronado and at Charleston and 33% at 7th Street, not to exceed \$65,000 for its share of the cost of this work.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. This Agreement shall be filed with the Secretary of State and shall become effective upon its being filed with the Secretary of State.

6. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: [Signature]
Chief Deputy State Engineer

DATE: Apr 3, 1984

CITY OF SIERRA VISTA

BY: [Signature]
JEAN RANDLE

TITLE: Mayor of Sierra Vista, Az.

DATE: March 8, 1984

ATTEST:

[Signature]
City Clerk
BRUCE A. MORDHORST

EXHIBIT "B"

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the CITY OF SIERRA VISTA, and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 8th day of March, 19 84.

CITY OF SIERRA VISTA

BY: 

City Attorney

RESOLUTION NO. 1352

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, REAFFIRMING PLANNING POLICIES 02-01, 02-02, 02-03, 02-06, 02-07, and 03-01, REAFFIRMING THE STREET FINANCIAL POLICY, REAFFIRMING SETTLED POLICY, REAFFIRMING RESOLUTION NO. 1299, WHICH AFFIRMS THE COUNCIL'S DESIRE TO PROCEED WITH CERTAIN STREET PROJECTS, AFFIRMING THE COUNCIL'S DESIRE TO PROCEED WITH CERTAIN OTHER STREET PROJECTS, AND AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, which includes DESIGN, CONSTRUCTION, MAINTENANCE, AND FINANCING OF TRAFFIC SIGNAL IMPROVEMENT PROJECTS FOR THE INTERSECTIONS OF STATE ROUTE 90 AND SEVENTH STREET, STATE ROUTE 90 AND CORONADO DRIVE, AND STATE ROUTE 90 AND CHARLESTON ROAD, AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Arizona Department of Transportation evaluated certain intersections along State Route 90 and determined that traffic signal improvements were warranted at the intersections of State Route 90 and Seventh Street, State Route 90 and Coronado Drive, and State Route 90 and Charleston Road; and

WHEREAS, the City concurs with the Arizona Department of Transportation's evaluation of these intersections; and

WHEREAS, on, March 6, 1984, the Planning and Zoning Commission adopted Resolution No. 135, which reaffirmed the Goals and Policies of VISTA 2000, and declared that the planning, design, and construction of traffic signal improvement projects for these intersections do conform to the VISTA 2000 Goals and Policies; and

WHEREAS, the City had budgeted funds for street improvements and related engineering costs; and

WHEREAS, the City has developed and updated the Street Construction Priority List for Fiscal Year 1983/84, to guide the completion of street improvements; and

WHEREAS, on November 10, 1983, the City Council adopted Resolution No. 1299, which reaffirmed and amended the basic criteria for the City's Street Financial Policy, and authorized and directed the City staff to proceed with certain street projects at the top of the amended Street Construction Priority List for Fiscal Year 1983/84; and

WHEREAS, certain additional street improvements now have a higher priority than some of the previously authorized street projects and authorization should be given to proceed with those higher priority street projects, as well as others; and

WHEREAS, the City of Sierra Vista is empowered by the provisions of the Arizona Revised Statutes (A.R.S.) including, but not limited to, the A.R.S. 11-951 through 954, A.R.S. 9-672, as amended, to undertake public improvements and enter into intergovernment agreements with other government agencies; and

WHEREAS, The Arizona Department of Transportation has determined that, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications described herein above be made on the State Highway System in the City of Sierra Vista; and

WHEREAS, the City Council has determined that, under Priority Group II of the Street Financial Policy, which provides for street improvements that improve traffic safety and reduce maintenance costs, for the safety and protection of the traveling public, it is necessary and desirable that certain intersection improvements and/or modifications described herein above be made on the City street network, and;

WHEREAS, the City of Sierra Vista is desirous of completing said improvements through the construction stage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the established Goals and Policies of VISTA 2000, most recently affirmed by Resolution No. 135 be, and hereby are, reaffirmed.

SECTION 2

That the Street Financial Policy, most recently affirmed by Resolution No. 1299 be, and hereby is, reaffirmed.

SECTION 3

That the settled policy of the City Council, most recently affirmed by Resolution No. 1299, to review budgeted capital improvement projects and reaffirm that said projects should be undertaken by the City before authorizing the City staff to proceed with the completion of the projects be, and hereby is, reaffirmed.

SECTION 4

That Resolution No. 1299, authorizing and directing the staff to proceed with the certain street improvement projects from the 1982/83 Fiscal Year Street Construction Priority List be, and hereby is, reaffirmed.

SECTION 5

That the City Council's desire to include the following capital improvement projects on the updated Fiscal Year 1983/84 Street Construction Priority List under Priority Group II be, and hereby is, affirmed as projects that should be undertaken by the City:

- a) Signalization and/or modification of the intersection of State Route 90 and Seventh Street.
- b) Signalization and/or modification of the intersection of State Route 90 and Coronado Drive.
- c) Signalization and/or modification of the intersection of State Route 90 and Charleston Road.

SECTION 6

That the City of Sierra Vista be, and hereby is, authorized to enter into an Intergovernmental Agreement with the State of Arizona, which includes planning, design, construction, maintenance and financing of traffic signal improvement projects for the intersections of State Route 90 and Seventh Street, State Route 90 and Coronado Drive, and State Route 90 and Charleston Road, which Agreement is attached hereto as Exhibit "A".

SECTION 7

That the Mayor and City Clerk be, and hereby are, authorized to execute said Agreement on behalf of the City of Sierra Vista.

SECTION 8

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS _____ DAY OF _____, 1984.

JEAN RANDLE
Mayor

ATTEST:

BRUCE A. MORDHORST
City Clerk

APPROVED AS TO FORM:

FAUVER & TILL
City Attorney

PREPARED BY:

MICHAEL J. HEMESATH, P.E.
City Engineer



OFFICE OF THE
Attorney General

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ROBERT K. CORBIN
ATTORNEY GENERAL

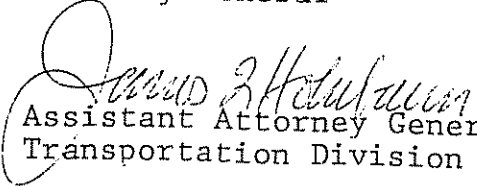
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 84-179, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General Who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies to enter into said agreement.

Dated this 13th day of April, 1984.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division